

**03-40253** 1 **NMG**

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

HOUSING COURT  
DEPT. OF THE  
TRIAL COURT

NO. 03-SP-02875

-----X

DEUTSCHE BANK NATIONAL TRUST COMPANY,  
AS CUSTODIAN OR TRUSTEE, f/k/a BANKERS  
TRUST COMPANY OF CALIFORNIA, N.A.,

Plaintiff

v.

ROSE CASTRO; JOSH CASTRO; JOSEPH DIMARE,  
and ALL OTHER OCCUPANTS,

Defendants

-----X  
**FILING FEE PAID:**

RECEIPT # 404207  
AMOUNT \$ 150.00  
BY DPTY CLK R. Nassut  
DATE 11-19-03

NOTICE OF REMOVAL

Pursuant to the provisions of 28 U.S.C. secs. 1332 and 1441, named Defendants Rose Castro, Josh Castro<sup>1</sup>, and Joseph Dimare, (hereinafter collectively "Defendants"), hereby remove the above captioned action from the Housing Court

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<sup>1</sup> Defendant Josh 'Castro' is a misnomer; the [Defendants] true name is Josh Dimare, and the Defendant has executed this notice in conformity with that fact.

Department of the Trial Court, Worcester Division, County of Worcester, Commonwealth of Massachusetts, to this Court.

As grounds for this removal, the Defendants state the following:

1. Plaintiff, Deutsche Bank National Trust Company, as Custodian or Trustee, f/k/a Bankers Trust Company of California, N.A., (hereinafter "Bankers Trust"), commenced this action against the Defendants in the Housing Court Department of the Trial Court, Worcester Division, County of Worcester, Commonwealth of Massachusetts, on or about October 17, 2003.
2. On or about October 20, 2003, the named Defendants received a copy of the initial pleading setting forth the claim for relief upon which the action is based, and a summons directing them to appear before the state court on November 11, 2003<sup>2</sup>.
3. Plaintiff Deutsche Bank National Trust Company, as Custodian or Trustee, f/k/a Bankers Trust Company of California, N.A., is upon information and belief, a corporation duly organized and existing under the laws of the State of Delaware with its principal place of business in the State of California.

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<sup>2</sup> The Defendants have since been noticed by the Clerk's office of the state court that due to November 11, 2003 being a legal holiday recognized by the legislature of the Commonwealth, that the trial date has been rescheduled from November 11, 2003 to November 25, 2003.

4. Defendant Rose Castro is a natural person domiciled in the Commonwealth of Massachusetts and who has a place of residence at 134 Summer Street, in the City of Gardner, County of Worcester, Commonwealth of Massachusetts.
5. Defendant Josh Castro is a natural person domiciled in the Commonwealth of Massachusetts and whose place of residence is 134 Summer Street, in the City of Gardner, County of Worcester, Commonwealth of Massachusetts.
6. Defendant Joseph Dimare is a natural person domiciled in the Commonwealth of Massachusetts and whose place of residence is 134 Summer Street, in the City of Gardner, County of Worcester, Commonwealth of Massachusetts.
7. There is complete diversity of citizenship between the Plaintiff and the Defendants in this action.
8. Pursuant to the provisions of 28 U.S.C. sec. 1441(c), the named Defendants expect to bring a separate and independent claim or cause of action which (i) would be removable if sued upon alone, (ii) will be joined with the within action, and (iii) when so joined, the controversy shall exceed \$ 75,000.00, exclusive of interest and costs.
9. Thirty (30) days have not elapsed since the named Defendants received a copy of the Plaintiffs' initial pleading.

For the foregoing reasons, Defendants Rose Castro, Josh Dimare and Joseph Dimare respectfully remove the within action to this Court from the Housing Court Department of the Trial Court, Worcester Division, County of Worcester, Commonwealth of Massachusetts.

ROSE CASTRO,

Rose Castro

Rose Castro, PRO SE  
134 Summer Street  
Gardner, MA 01440

JOSH DIMARE,

Josh Dimare

Josh Dimare, PRO SE  
134 Summer Street  
Gardner, MA 01440

JOSEPH DIMARE,

Joseph Dimare

Joseph Dimare, PRO SE  
134 Summer Street  
Gardner, MA 01440

Date: November 19, 2003

CERTIFICATE OF SERVICE

I, Rose Castro, hereby certify that on the 19<sup>th</sup>. day of November, 2003, I served a copy of the within 'Notice of Removal', via first class mail, postage prepaid, upon the following counsel of record for the named plaintiff:

Victor Manougian, Esquire  
Harmon Law Offices, P.C.  
150 California Avenue  
Newton, MA 02458

Rose Castro

Rose Castro

Printed: 11/19/03  
Updated: 10/28/03

Worcester County Housing Court  
CASE DOCKET

Page: 01

03-SP-02875  
DEUTSCHE BANK NATIONAL TRU - v. - CASTRO

134 Summer Street  
Gardner MA 01440

A TRUE COPY

*James A. Bisceglia*

Next Cal: 11/25/03

Last Cal: / /

App Date: / /

Dsp Date: / /

Interpreter:

No.	Doc Date	Description	N	C	T	J	W	HCT
1	1 10/28/03	Summary Process, NTQ filed, 11-11-03	.	x	.	.	.	rar
2	2 10/28/03	Resch trial 11-25-03	x	x	.	.	.	rar

COMMONWEALTH OF MASSACHUSETTS  
WORCESTER COUNTY HOUSING COURT

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DEUTSCHE BANK NATIONAL TRU

Plaintiff

- v. -

No. 03-SP-02875

ROSE CASTRO

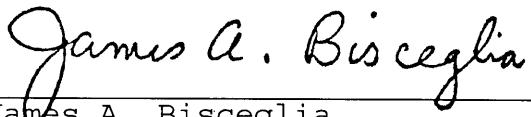
Defendant

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NOTICE OF RESCHEDULED TRIAL DATE

The above case will be called for trial at Clerk's Office of the Gardner District Court, at 108 Matthews Street/P.O. Box 40, Gardner, MA 01440 at 09:00 o'clock, Tuesday, November 25, 2003.

Please note that this case has been rescheduled.

  
\_\_\_\_\_  
James A. Bisceglia  
Clerk Magistrate

Date: October 28, 2003

ECMS: RES-TRIAL



150 CALIFORNIA STREET  
NEWTON, MASSACHUSETTS 02458

MAILING ADDRESS:  
P O BOX 610389  
NEWTON HIGHLANDS, MA 02461-0389

TEL (617) 558-0500  
FAX (617) 244-7304

SERVING MASSACHUSETTS, NEW HAMPSHIRE AND RHODE ISLAND

October 6, 2003

Rose Castro and all other occupants  
134 Summer Street  
Gardner, MA 01440

**72 HOUR NOTICE TO QUIT AND VACATE PREMISES**

Dear Ms. Castro:

Please be advised that this office represents Deutsche Bank National Trust Company, as Custodian or Trustee, f/k/a Bankers Trust Company of California N.A.. Deutsche Bank National Trust Company, as Custodian or Trustee, f/k/a Bankers Trust Company of California N.A. is the owner of the property situated at 134 Summer Street, Gardner, Massachusetts. You are notified to vacate the premises within seventy-two (72) hours of your receipt of this Notice.

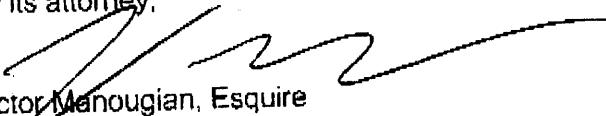
Deutsche Bank National Trust Company, as Custodian or Trustee, f/k/a Bankers Trust Company of California N.A. is not waiving any rights under this Notice to Quit and Vacate by accepting payments from you subsequent to the date of this notice. All payments accepted subsequent to the date of this notice are accepted for use and occupancy only and not as rent. The acceptance of said payments shall not in any way create a new tenancy.

Please be advised that should this matter proceed and a Court action is necessary, we will ask the Court to award damages representing the fair market value of the premises from the time of the foreclosure until the time you are ordered to vacate. This amount is for use and occupancy, not rent.

The reason set forth for this Notice to Quit and Vacate is that you continue to hold over in occupancy of the said premises after foreclosure of the mortgage. The undersigned is the new owner of said premises.

**PLEASE VACATE THE PREMISES WITHIN SEVENTY-TWO (72) HOURS OF YOUR RECEIPT OF THIS LETTER, OR WE SHALL BRING A COURT ACTION TO EVICT YOU FROM THE PREMISES. YOU ARE NOTIFIED TO BRING THIS ORIGINAL NOTICE WITH YOU TO ANY SUBSEQUENT HEARING OR CONTINUANCE.**

Deutsche Bank National Trust Company, as Custodian or Trustee, f/k/a Bankers Trust Company of California N.A.  
By its attorney.

  
Victor Manouelian, Esquire

VVM/MWA/200208-0349-Castro, Rose  
Service by Deputy Sheriff

**PLEASE BE ADVISED THAT THIS OFFICE IS ATTEMPTING TO COLLECT A DEBT AND THAT ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE**

5/6  
Kramer

150 CALIFORNIA STREET  
NEWTON, MASSACHUSETTS 02458

## MAILING ADDRESS:

P.O. BOX 610389

NEWTON HIGHLANDS, MA 02461-0389

TEL (617) 558-0500

FAX (617) 244-7304

SERVING MASSACHUSETTS, NEW HAMPSHIRE AND RHODE ISLAND

October 6, 2003

Josh Castro and all other occupants  
134 Summer Street  
Gardner, MA 01440

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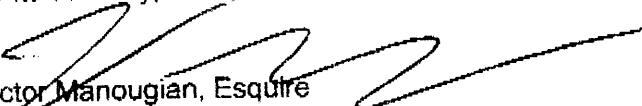
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By its attorney,



Victor Manougian, Esquire

VVM/MWA/200208-0349-Castro, Rose  
Service by Deputy Sheriff

**PLEASE BE ADVISED THAT THIS OFFICE IS ATTEMPTING TO COLLECT A DEBT AND THAT ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE**

516  
Canea

## HARMON LAW OFFICES

150 CALIFORNIA STREET  
NEWTON, MASSACHUSETTS 02458

## MAILING ADDRESS:

P.O. BOX 610389

NEWTON HIGHLANDS, MA 02461-0389

TEL (617) 558-0500

FAX (617) 244-7304

SERVING MASSACHUSETTS, NEW HAMPSHIRE AND RHODE ISLAND

October 6, 2003

Joseph Dimare and all other occupants  
134 Summer Street  
Gardner, MA 01440

**72 HOUR NOTICE TO QUIT AND VACATE PREMISES**

Dear Mr. Dimare:

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By its attorney,

  
Victor Manougian, Esquire

VVM/MWA/200208-0349-Castro, Rose  
Service by Deputy Sheriff

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5/6  
TOTAL P. 04  
Done

HARMON LAW OFFICES, P.C.  
180 CALIFORNIA STREET  
NEWTON, MASSACHUSETTS 02458

## MAILING ADDRESS:

P.O. BOX 610389

NEWTON HIGHLANDS, MA 02461-0389

TEL (617) 558-0500

FAX (617) 244-7304

SERVING MASSACHUSETTS, NEW HAMPSHIRE AND RHODE ISLAND

October 6, 2003

Josh Castro and all other occupants  
134 Summer Street  
Gardner, MA 01440

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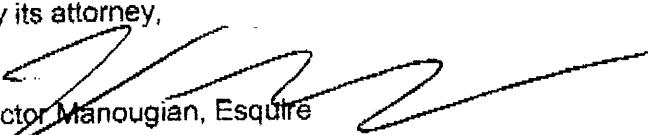
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By its attorney,

  
Victor Manougian, Esquire

VVM/MWA/200208-0349-Castro, Rose  
Service by Deputy Sheriff

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5/6  
P...L...

Printed: 10/28/03  
Updated: 10/28/03

Worcester County Housing Court  
CASE COVER

Page: 01

03-SP-02875  
DEUTSCHE BANK NATIONAL TRU - v.- CASTRO

134 Summer Street  
Gardner MA 01440

Next Cal: / /  
Last Cal: / /  
App Date: / /  
Dsp Date: / /  
Interpreter:

---

PLTF1 ATTY P1 547808  
Deutsche Bank National Tru Victor Manougian, Esq.  
f/k/a Bankers Trust Co of California N.AHarmon Law Offices, P.C.  
10790 Rancho Bernardo Road 1 P.O. Box 610389  
San Diego CA 92127 Newton Highlands, MA 02461  
(617) 558-0500

DEFT1  
Rose Castro  
134 Summer Street  
Gardner MA 01440

ATTY D1 PROSE

DEFT2  
Josh Castro  
134 Summer Street  
Gardner MA 01440

ATTY D2 PROSE

DEFT3  
Joseph Dimare  
134 Summer Street  
Gardner MA 01440

ATTY D3 PROSE

---

Mailing list: October 28, 2003

FILE COPY

P1 ATTY  
Victor Manougian, Esq.  
Harmon Law Offices, P.C.  
1 P.O. Box 610389  
Newton Highlands, MA 02461

D1  
Rose Castro  
134 Summer Street  
Gardner, MA 01440

D2  
Josh Castro  
134 Summer Street  
Gardner, MA 01440

D3  
Joseph Dimare  
134 Summer Street  
Gardner, MA 01440

ECMS: ADDRESS

FILE COPY

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is to be used for the filing and service of all civil summonses, complaints, answers and other documents in the United States District Courts. It has been approved for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

Deutsche Bank National  
Trust Company, Trustee  
(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF  
(EXCEPT IN U.S. PLAINTIFF CASES)  
f/k/a Bankers Trust Company of California (Unknown)

**DEFENDANTS**

Rose Castro, Josh Castro,  
Joseph DiMare  
N.A.

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT  
(IN U.S. PLAINTIFF CASES ONLY)  
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
TRACT OF LAND INVOLVED

**(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**

Victor Manousian, Esquire  
Harmon Law Offices, P.C.

150 California Avenue, Newton, MA. 02458

ATTORNEYS (IF KNOWN)

**II. BASIS OF JURISDICTION**

(PLACE AN "X" IN ONE BOX ONLY)

1 U.S. Government Plaintiff  
 2 U.S. Government Defendant  
 3 Federal Question (U.S. Government Not a Party)  
 4 Diversity (Indicate Citizenship of Parties in Item III)

**IV. NATURE OF SUIT** (PLACE AN "X" IN ONE BOX ONLY)

**CONTRACT**

110 Insurance  
 120 Marine  
 130 Miller Act  
 140 Negotiable Instrument  
 150 Recovery of Overpayment & Enforcement of Judgment  
 151 Medicare Act  
 152 Recovery of Defaulted Student Loans (Excl. Veterans)  
 153 Recovery of Overpayment of Veteran's Benefits  
 160 Stockholders' Suits  
 190 Other Contract  
 195 Contract Product Liability

**REAL PROPERTY**

210 Land Condemnation  
 220 Foreclosure  
 230 Rent Lease & Ejectment  
 240 Torts to Land  
 245 Tort Product Liability  
 290 All Other Real Property

**V. ORIGIN**

1 Original Proceeding  
 2 Removed from State Court  
 3 Remanded from Appellate Court  
 4 Reinstated or Reopened  
 5 Transferred from another district (specify) \_\_\_\_\_  
 6 Multidistrict Litigation  
 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE.  
DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.C.S. secs. 1332 and 1441 - Rent/Lease & Ejectment

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

**DEMAND \$**

CHECK YES only if demanded in complaint:

**JURY DEMAND:**  YES  NO

**VIII. RELATED CASE(S) IF ANY** (See instructions): *(Not applicable)*

JUDGE

DOCKET NUMBER

SIGNATURE OF ATTORNEY OF RECORD

Rose Castro  
Date  
(Agt.)

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_  
DATE 11/19/03  
FOR OFFICE USE ONLY

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

40253

1. Title of case (name of first party on each side only) Deutsche Bank National  
Trust Company, Trustee f/k/a Bankers Trust  
Company of California, N.A. v. Rose Castro

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

— I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.

— II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820\*, 830\*, 840\*, 850, 890, 892-894, 895, 950.

X III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.

— IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.

— V. 150, 152, 153.

\*Also complete AO 120 or AO 121  
for patent, trademark or copyright cases

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

(Not applicable)

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES  NO 

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES  NO 

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES  NO 

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES  NO 

7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES  NO 

A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division  Central Division  Western Division 

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division  Central Division  Western Division 

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES  NO (PLEASE TYPE OR PRINT)  
ATTORNEY'S NAME

Rose Castro, Pro Se

ADDRESS 134 Summer Street, Gardner, MA 01440

TELEPHONE NO. (978) - 632-2933